

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JULY 21, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:31 p.m.

ROLL CALL

| | |
|-------------------------|--------------------|
| Councilmembers present: | Bragg, McCoy, Rose |
| Councilmembers absent: | None |
| Mayor present: | Janney |
| Mayor Pro Tem absent: | King |

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY ROSE, SECOND BY BRAGG , TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b)(3)(A)
No. of Cases: 1

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path,
Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Land for wireless facilities located in the southwestern corner of 825 Imperial
Beach Blvd., Imperial Beach, CA 91932, APN 632-111-27

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: AT&T

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Land for wireless facilities located in the southwestern corner of 825 Imperial
Beach Blvd., Imperial Beach, CA 91932, APN 632-111-27

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Clearwire Corporation

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BRAGG, MCCOY, ROSE, JANNEY

NOES: **COUNCILMEMBERS:** **NONE**
ABSENT: **COUNCILMEMBERS:** **KING**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m. and he reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction and had no reportable action.

CITY ATTORNEY LYON announced the first Closed Session item was removed from the agenda and was not discussed.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:05 p.m.

ROLL CALL

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|-------------------------|--------------------|
| Councilmembers present: | Bragg, McCoy, Rose |
| Councilmembers absent: | None |
| Mayor present: | Janney |
| Mayor Pro Tem present: | King |

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced Item No. 6.3 – ARMY CORPS OF ENGINEERS SAN DIEGO HARBOR MAINTENANCE DREDGING PROJECT AND DRAFT MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE ARMY CORPS OF ENGINEERS AND THE CITY OF IMPERIAL BEACH will be moved to the August 4th City Council meeting agenda.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

None.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

1.1 JR. LIFEGUARDS ACHIEVEMENT AWARDS. (0220-40)

PUBLIC SAFETY DIRECTOR CLARK introduced the item.

JULIANNE CHARLAND, Beach Lifeguard II and Coordinator for the Jr. Lifeguard Program, and JIM SULLIVAN, Beach Lifeguard II, gave a PowerPoint presentation on the Jr. Lifeguard Program.

MAYOR JANNEY AND BEACH LIFEGUARD SULLIVAN presented achievement awards to the following Jr. Lifeguards: Natasha MacAskill, Michelle McDonald, Erin Sullivan, Julian Clement, and Shane Cunniff.

CONSENT CALENDAR (2.1 - 2.2)

COUNCILMEMBER BRAGG announced she has a potential conflict of interest on Item No. 2.2 due to the location of her previous employment.

MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.2, MOTION CARRIED BY THE FOLLOWING VOTE:

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| AYES: | COUNCILMEMBERS: | MCCOY, ROSE, KING, JANNEY |
| NOES: | COUNCILMEMBERS: | NONE |
| ABSENT: | COUNCILMEMBERS: | NONE |
| DISQUALIFIED: | COUNCILMEMBERS: | BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST) |

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 71200 through 71242 with the amount of \$307,059.19 and 71243 through 71281 with the amount of \$103,382.19 for the subtotal amount of \$410,441.38; and Payroll Checks 42800 through 42865 for the pay period ending 07/01/10 with the subtotal amount of \$183,761.86 for a total amount of \$594,203.24.

2.2 RESOLUTION NO. 2010-6920 – RATIFYING THE PREVIOUS APPROVAL OF FINAL MAP FOR THE SEACOAST INN DEVELOPMENT PROJECT (TM 03-091), A PROPOSED 78-ROOM HOTEL LOCATED AT 800 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 661. (0660-43)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.2)

5.1 CODE ENFORCEMENT – WEED & RUBBISH ABATEMENT PUBLIC HEARING TO HEAR AND CONSIDER ALL OBJECTIONS TO THE PROPOSED REMOVAL OF WEEDS, RUBBISH, REFUSE, AND DIRT. (0250-70)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIA gave a PowerPoint presentation on the item; he noted he was contacted today about a new owner for the property located at 1174 Florida Street.

JOHN PERNO suggested the City address the weed problem located at its own property on 10th Street; and he submitted a photo and duplicate photo of the properties on 10th Street and at 1174 Florida Street.

GERRY MIRANDA representing the new owner for 1174 Florida Street, requested additional time for the new owner, Chase Bank, to clean up the property.

Discussion ensued regarding the abatement process; there was support for a quicker process, to establish a roster of vendors, including local vendors, for future weed abatement cases.

MAYOR JANNEY closed the public hearing.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6918, AFTER HEARING AND CONSIDERING ALL OBJECTIONS, OVERRULES ALL OBJECTIONS AND HEREBY AUTHORIZES THE CITY MANAGER TO PROCEED AND PERFORM THE NECESSARY ABATEMENT OF THE NUISANCE AND AUTHORIZES THE CITY MANAGER TO SIGN ANY AGREEMENTS OR TAKE ANY OTHER STEPS NECESSARY TO REMOVE THE WEEDS, RUBBISH, REFUSE, AND DIRT FROM THE THE PROPERTIES LOCATED AT 1174 FLORIDA STREET, 1019 IRIS AVENUE, AND 336-338 DAISY AVENUE; AND HAVE STAFF RETURN TO CITY COUNCIL AT THE SEPTEMBER 1, 2010 COUNCIL MEETING WITH AN ABATEMENT COST REPORT ON EACH SEPARATE PARCEL OF LAND WHERE THE ABATEMENT WORK IS CONDUCTED. MOTION CARRIED UNANIMOUSLY.

5.2 1257 EAST LANE – NOTICE TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

DAVID LOWRY stated the owner is in the process of refurbishing the property.

JP PALMER claimed he is being harassed; he said he is an artist and what staff sees as junk, he sees as art; he submitted a total of 32 photos.

RENN SHORES stated he is in charge of and in the process of cleaning up the property; and he expressed concern about the behavior of staff.

CITY COUNCIL discussed the history of substandard and public nuisance conditions of the property and attempts by staff to get the property owner to clean it up.

MAYOR JANNEY closed the public hearing

CITY COUNCIL spoke about the impacts to the neighbors; they expressed disappointment that the property is returning to City Council so soon; they spoke of the need to consider the rights of neighbors.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6919, ASSESSING \$2,600.00 IN CURRENT CIVIL PENALTIES (DEPENDENT UPON ANY NOTED VIOLATION ABATEMENT), \$8,350.00 OF THE PENALTIES HELD IN ABEYANCE FROM 2009, AND \$500.00 IN ADMINISTRATIVE FEES AND AUTHORIZE STAFF TO SEEK LEGAL ACTION TO EITHER COMPEL THE PROPERTY OWNER TO CLEAN UP THE PROPERTY OR TO OBTAIN AN ABATEMENT WARRANT TO CAUSE THE ABATEMENT TO BE COMPLETED BY CITY FORCES OR PRIVATE CONTRACT. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.4)

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| <i>Item No. 6.4 discussed at 7:00 p.m. – TIME SPECIFIC</i> |
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6.4 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON DEVELOPMENT PROTOTYPES AND BUILDING SETBACKS AND STEPBACKS. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE, along with SEAN GOTT of AECOM, gave a PowerPoint presentation on development prototypes.

MAYOR JANNEY suggested the remainder of the presentation continue to the August 4th City Council meeting and allow for City Council comments at that time.

BRIAN JONES submitted a drawing for the record detailing development possibilities (additional speaking time donated by Joe Ellis).

COMMUNITY DEVELOPMENT DIRECTOR WADE stressed economic analysis was a key element that went into the prototypes, he further stated a developer will likely build what the prototypes displayed; stepbacks and setbacks will be presented at the next meeting and he reviewed the timeline.

PUBLIC HEARINGS (5.3)

5.3 LIOR AVRAHAM, MOBILITIE LLC (APPLICANT)/CHINO INDUSTRIAL PARK (OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 100025), CONDITIONAL USE PERMIT (CUP 100026), DESIGN REVIEW CASE (DRC 100027), AND SITE PLAN REVIEW (SPR 100028) TO INSTALL A TELECOMMUNICATIONS FACILITY (BROADLEAF FAUX TREE STRUCTURE) LOCATED AT 750 13TH STREET IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1041. (0600-20 & 0800-50)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

LIOR AVRAHAM, representative for Mobilitie, spoke about Mobilitie's role in the project and its relationship with T-Mobile; and he responded to Council's question regarding the broadleaf tree noting the actual tree will look like the simulation.

ASTRID CYBULSKIS, Project Manager for Mobilitie, stated she will provide staff with addresses of other telecommunication facilities with broadleaf trees.

MAYOR JANNEY closed the public hearing.

MOTION BY ROSE, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6916, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 100025), CONDITIONAL USE PERMIT (CUP 100026), DESIGN REVIEW CASE (DRC 100027), AND SITE PLAN REVIEW (SPR 100028), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

| | | |
|----------------|------------------------|----------------------------------|
| AYES: | COUNCILMEMBERS: | BRAGG, ROSE, KING, JANNEY |
| NOES: | COUNCILMEMBERS: | MCCOY |
| ABSENT: | COUNCILMEMBERS: | NONE |

REPORTS (6.1 - 6.3)

Consensus of City Council to take Item No. 6.2 at this time.

6.2 RESOLUTION NO. 2010-6917 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – PUBLIC WORKS ROOF REPAIR CIP (P05-10A). (0910-30)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the bid process.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6917 – REJECTING ALL BIDS FOR CERTAIN PUBLIC WORKS CONTRACT – PUBLIC WORKS ROOF REPAIR CIP (P05-10A). MOTION CARRIED UNANIMOUSLY.

6.1 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the item due to the location of her previous employment and left Council Chambers at 8:34 p.m.

ALLISON ROLFE, Project Manager for Pacifica, submitted a letter from the Department of Real Estate and an email from the Real Estate Banking Group; she gave a progress report on the demolition of the hotel noting the following: the review of the CC&Rs by the Department of Real Estate has been completed, the attorney reviewing the CC&Rs for the California Coastal Commission will discuss her questions with Pacifica next week, the Condition Subsequent Letter is done with the approval of the final map on the Consent Calendar tonight, the final map cannot be recorded until Citibank's name is removed from the loan which is being worked on by Pacifica staff, and once the final map is recorded this will be verified by the California Coastal Commission; she also reviewed items completed that are not associated with the demolition; she will try to send a deposit check to the City this week, and Pacifica staff is currently reviewing the bill for the in lieu TOT.

6.3 ARMY CORPS OF ENGINEERS SAN DIEGO HARBOR MAINTENANCE DREDGING PROJECT AND DRAFT MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE ARMY CORPS OF ENGINEERS AND THE CITY OF IMPERIAL BEACH. (0220-70)

Item removed from the agenda.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:54 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk